



**United States Department of the Interior  
BUREAU OF LAND MANAGEMENT**

Bishop Field Office  
351 Pacu Lane Suite 100  
Bishop, California 93514  
www.blm.gov/ca/bishop



**Finding of No Significant Impact  
for  
Livestock Use Authorizations  
Dog Creek (6058) and Green Creek (6076) Allotments  
Alternative 4 - No Domestic Sheep Grazing/Crossing Permit Only  
(EA CA 170-09-0002)**

One of the primary purposes for preparing an environmental assessment (EA) is to determine whether or not a proposed action will have a significant impact on the human environment and therefore require the preparation of an environmental impact statement (EIS). As defined in 40 CFR 1508.13, a finding of no significant impact (FONSI) is a document that briefly presents the reasons why a federal agency action will not have a significant effect on the human environment and for which an EIS will therefore not be prepared. The regulations specify that both the context and intensity of effects be considered when determining significance (40 CFR 1508.27). This document presents the findings of the Bureau of Land Management (BLM) concerning the selected alternative (Alternative 4 - No Domestic Sheep Grazing/Crossing Permit Only) for future domestic sheep use authorizations on the Dog Creek and Green Creek allotments in Mono County, California as described and analyzed in EA CA 170-09-0002.

**Finding of No Significant Impact and Land Use Plan Conformance Determinations**

I have reviewed EA CA 170-09-0002 which includes the identification and explanation of the effects on the human environment that would result from implementation of the selected alternative (Alternative 4 - No Domestic Sheep Grazing/Crossing Permit Only) for future domestic sheep use authorizations on the Dog Creek and Green Creek allotments in Mono County, California. Based on my review of the environmental analyses and other supporting documents incorporated by reference, I have determined:

- 1) That closing the Dog Creek and Green Creek allotments to domestic sheep use under a term grazing permit as described and analyzed in Alternative 4 does not constitute a major federal action that would significantly affect the quality of the human environment, and;
- 2) That issuing a temporary crossing permit to authorize short-term domestic sheep trailing as described and analyzed in Alternative 4 does not constitute a major federal action that would significantly affect the quality of the human environment.

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None of the effects identified (including the direct, indirect and cumulative effects) in the environmental analyses meet the definition of significance either in context or intensity as outlined in 40 CFR 1508.27. Therefore, an EIS is not required and will not be prepared.

I have also reviewed the *Bishop Resource Management Plan Record of Decision* (Bishop RMP) as amended by the *Central California Standards for Rangeland Health and Guidelines for Livestock Grazing Management* (Central California Standards and Guidelines). Based on my review of the Bishop RMP as amended by the Central California Standards and Guidelines, I have determined:

- 1) That closing the Dog Creek and Green Creek allotments to domestic sheep use under a term grazing permit as proposed in Alternative 4 does not conform to the land use plan terms and conditions as defined at 43 CFR 1601.0-5(b) and as required by 43 CFR 1610.5-3(b). Specifically, the mandatory terms and conditions for the Dog Creek and Green Creek allotments prescribed by the Bishop RMP identify domestic sheep as the kind of livestock that may be grazed on these allotments under a term grazing permit (Bishop RMP, p. A4-10), and;
- 2) That issuing a temporary crossing permit as proposed in Alternative 4 does conform to the land use plan terms and conditions as defined at 43 CFR 1601.0-5(b) and as required by 43 CFR 1610.5-3(b). Specifically, the Bishop RMP provides that “Trailing use will be controlled and trailing routes will be identified” (Bishop RMP, p. 11). In addition, issuing a temporary crossing permit as proposed in this alternative conforms to, and is consistent with, the General Policies, Area Manager’s Guidelines, Valid Existing Management, Standard Operating Procedures, Decisions, and Support Needs prescribed by the Bishop RMP.

Therefore, I will recommend that the BLM California State Director amend the Bishop RMP to eliminate domestic sheep as the kind of livestock that may be authorized for grazing use under a term grazing permit for the Dog Creek and Green Creek allotments as proposed in Alternative 4. I will also issue F.I.M. Corporation (Operator 0401609) a temporary crossing permit to allow for short-term trailing of domestic sheep along designated routes in the extreme northeast portions of the Dog Creek and Green Creek allotments as proposed in this alternative.

### **Rationale for Finding of No Significant Impact**

My findings are based on consideration of both the context (40 CFR 1508.27(a)) and intensity (40 CFR 1508.27(b)) of the effects identified in EA CA 170-09-0002 as summarized below:

#### ***Context***

The selected alternative affects future domestic sheep use authorizations on two relatively small grazing allotments administered by the BLM Bishop Field Office in Mono County, California. The Dog Creek allotment includes 6,527 acres of public land and provides up to 990 animal unit months (AUMs) of livestock forage annually. The Green Creek allotment includes 3,861 acres of public land and provides up to 550 AUMs of livestock forage annually. Historically, there has

been one permit and operator for the Dog Creek allotment and one permit and operator for the Green Creek allotment. Both operators have traditionally trailed through these allotments as part of their regular operation to move between private lands in Bridgeport Valley and other BLM domestic sheep allotments located east of U.S. Highway 395. The beneficial and adverse effects expected from implementation of the selected alternative (Alternative 4 - No Domestic Sheep Grazing/Crossing Permit Only) are primarily allotment (site) specific and localized in scale, with a few effects extending to the regional scale. None of the effects associated with the selected alternative are considered measureable at the state-wide, national, or international scale.

### ***Intensity***

I have considered the intensity and severity of effects anticipated from implementation of the selected alternative (Alternative 4 - No Domestic Sheep Grazing/Crossing Permit Only) as described and analyzed in EA CA 170-09-0002. My consideration of the ten “significance” criteria identified in 40 CFR 1508.27(b) is summarized below:

#### ***1) Impacts that may be both beneficial and adverse.***

The EA provides a detailed description of both beneficial and adverse effects expected from implementation of the selected alternative. Primary effects are briefly summarized below.

### ***Beneficial Effects***

The primary beneficial effects will accrue from: 1) Eliminating and minimizing disease risk to Sierra Nevada bighorn sheep which has important implications for the recovery and long-term conservation of this federally listed endangered species, and; 2) Allowing for short-term trailing between private lands in Bridgeport Valley and other BLM domestic sheep allotments located east of U.S. Highway 395 which has important management and economic implications for one of the affected domestic sheep operators. Implementation of the selected alternative is also expected to benefit soils, upland vegetation, riparian habitat, wildlife habitat, cultural resources, and other vegetation dependent resource values, at least over the short-term. Overall, the magnitude of the predicted beneficial effects are limited and restricted to the local and regional scale.

### ***Adverse Effects***

The primary adverse effects will incur from closure of the allotments to domestic sheep use under a term grazing permit which will reduce forage availability and management flexibility for two sheep operators. The operator on the Dog Creek allotment will lose one of his short-term allotments which has provided up to 990 animal unit months (AUMs) of livestock forage annually. The operator for the Green Creek allotment will lose one of his long-term allotments which has provided up to 550 AUMs of livestock forage annually. Implementation of the selected alternative is also expected to have some limited adverse effect on local economics that are tied directly to the two affected sheep operations. Adverse effects to natural and cultural values as the result of trailing will be minimized by the location of the designated trailing routes and the application of terms and conditions designed to protect key resource values. Overall, the

magnitude of the predicted adverse effects are limited and restricted to the local and regional scale.

### *Conclusion*

None of the direct, indirect or cumulative effects associated with the selected alternative are considered significant, either individually or cumulatively, based on the analyses provided in the EA. In addition, none of the predicted adverse effects are considered significant, even when evaluated independent of the beneficial effects that will accrue from implementation of the selected alternative.

### *2) The degree to which the proposed action affects public health or safety.*

Public health and safety was not identified as an issue and no aspect of the selected alternative has been identified as having the potential to measurably affect public health or safety.

### *3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

As described in the EA, approximately 1,920 acres of the Conway Summit Area of Critical Environmental Concern (ACEC) are located within the Dog Creek allotment. The ACEC encompasses 2,700 acres and was designated in the Bishop RMP for its assemblage of scenic values, riparian habitat, and recreation opportunities. Permitted livestock grazing was recognized as a valid existing and compatible use at the time of designation (except on the Kirkwood Meadow) and no significant beneficial or adverse effects on ACEC values were identified under any of the alternatives analyzed in the EA. No other ACECs are located within the remainder of the Dog Creek allotment. No ACECs are located within the Green Creek allotment.

Dog Creek, Green Creek, and Virginia Creek were identified as eligible for wild and scenic river study in the Bishop RMP. Dog Creek is located entirely within the Dog Creek allotment, Green Creek is located entirely within the Green Creek allotment, and Virginia Creek passes through both the Dog Creek and Green Creek allotments. The Dog Creek study segment totals 3 miles on public land, the Green Creek study segment totals 0.75 miles on public land, and the Virginia Creek study segment totals 7 miles on public land. The estimated acreage of Dog Creek and its riparian/upland study corridor includes about 960 acres, Green Creek includes about 240 acres, and Virginia Creek includes about 720 acres. All three creeks were preliminarily classified as recreational. Similar to the Conway Summit ACEC, permitted livestock grazing was a valid existing and compatible use at the time of study segment designation and no significant beneficial or adverse effects on potential wild and scenic river values were identified under any of the alternatives analyzed in the EA.

There are no park lands, prime farmlands, or other specially designated areas within the allotments and the selected alternative will have no effect on any lands so designated.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

None of the anticipated effects identified in the EA are considered highly controversial. Some controversy does exist concerning the epidemiology of disease transfer between domestic sheep and wild bighorn sheep. As described in the EA, a recent experimental study demonstrated that bacterium responsible for pneumonia can be transferred from domestic sheep to bighorn sheep, but the transmission of pathogens remains extremely difficult to document under range conditions and not all bighorn sheep epizootic disease events can be attributed to contact with domestic sheep. Nonetheless, the best available data indicate that diseases introduced by domestic sheep have likely played a major role in bighorn sheep die-offs and the reduction of wild bighorn populations throughout their range, and that managing for effective separation between the species is currently the best option for minimizing the risk of contact and the potential for disease transfer between domestic sheep and wild bighorn sheep. The U.S. Fish and Wildlife Service (FWS), which is recognized by the BLM as the departmental expert on threatened and endangered species issues, has identified disease transmission from domestic sheep as one of the primary threats to Sierra Nevada bighorn sheep and concluded that preventing contact between domestic sheep and wild sheep is critical to recovery of this federally listed endangered species.

*5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The selected alternative is not unique or unusual. The BLM has extensive experience evaluating the environmental effects associated with livestock grazing use authorizations, including changes to allotment specific mandatory terms and conditions. In addition, livestock trailing is a historic and routine activity and the effects of trailing are well understood. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Any similar action must be evaluated through an appropriate site-specific environmental review and decision making process consistent with applicable law, regulation, policy, and land use plan guidance. Implementation of the selected alternative will not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The selected alternative was evaluated in the context of past, present, and reasonably foreseeable actions. While similar changes in operating procedures on adjacent Humboldt-Toiyabe National Forest allotments (e.g. allotment closure to domestic sheep) would contribute to cumulative beneficial effects for the recovery and long-term conservation of the federally endangered Sierra

Nevada bighorn sheep and to cumulative adverse effects to at least one domestic sheep operator, no individually significant or cumulatively significant effects are identified in the EA. None of the alternatives analyzed in the EA were predicted to contribute to significant cumulative effects on the human environment at either the local, regional, state-wide, national, or international scale.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

Implementation of the selected alternative will essentially eliminate, at least over the short-term, livestock related threats to cultural properties on the allotments including sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Since permitted livestock use under the selected alternative will be limited to trailing along designated routes, this will eliminate nearly all livestock threats of damage to cultural properties. Monitoring will still be required within areas of concentrated use, with the designated trail being the focus of these efforts. Implementation of the selected alternative will not adversely affect any cultural properties listed or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

*9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

No threatened or endangered species are present on the Dog Creek or Green Creek allotments based on historical records, field monitoring, and/or habitat suitability. However, Sierra Nevada bighorn sheep, a federally listed endangered species, do inhabit the Sierra Nevada range to the south and west of the two allotments. The Bishop Field Office has consulted with the FWS pursuant to 50 CFR 402.14 and Section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. § 1531 *et seq.*) and determined: 1) That closing these allotments to domestic sheep use under a term grazing permit as proposed in the selected alternative is a beneficial agency action, and; 2) That authorizing short-term trailing under the terms and conditions of an annual crossing permit as proposed in the selected alternative is not likely to adversely affect Sierra Nevada bighorn sheep. In addition, no designated critical habitat occurs within, or immediately adjacent to, either allotment. Therefore, implementation of the selected alternative would have no effect on any designated critical habitat. The selected alternative is not likely to adversely affect any endangered or threatened species, nor will it result in the destruction or adverse modification of any designated critical habitat for any listed species.

*10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The EA included consideration of applicable federal, state, and local laws and requirements imposed for the protection of the environment. Federal, state, local, and tribal interests were consulted during the environmental review process and no potential violations or inconsistencies with existing laws or policies were identified or left unresolved. A California Governor's consistency review will be completed as part of the subsequent land use plan amendment

process. Implementation of the selected alternative does not threaten a violation of any known federal, state, or local law or requirements imposed for the protection of the environment.

**Authorized Official**

\_\_\_\_\_/s/ Bernadette Lovato\_\_\_\_\_  
Bernadette Lovato  
Bishop Field Manager

Date: 4/18/2013